

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE-OPELOUSAS DIVISION**

CHET ROBICHAUX

CIVIL ACTION NO. _____

VERSUS

JUDGE _____

SETTOON TOWING, L.L.C.

MAGISTRATE _____

COMPLAINT FOR DAMAGES

NOW INTO COURT, through undersigned counsel, comes complainant, Chet Robichaux, an individual of the full age of majority domiciled in the Parish of Lafayette, Louisiana, who respectfully represents that:

1.

Made defendant herein is:

- a) Settoon Towing, L.L.C., a foreign corporation authorized to do and doing business in the State of Louisiana, and in particular, in the Western District of Louisiana, and having one of its principle places of business in the Western District of Louisiana;

2.

This action is brought pursuant to the provisions of General Maritime Law of negligence and unseaworthiness. It is also brought under this Court's supplemental jurisdiction at 28 USC 1367 for application of Louisiana Law at La.

C.C. Art. 2315, i.e., general negligence, as such claim is related to the claims which are brought under this Court's original jurisdiction.

3.

On or about September 10, 2019, complainant, a seaman employed by C&J Marine Service, Inc. and assigned to the M/V Alex D, was aboard that vessel while it was moored for its engines to undergo refurbishing.

4.

At all relevant times, and specifically, on September 10, 2019, defendant, Settoon Towing, L.L.C., was navigating its vessel, the Seth D Settoon, in the territorial waters of the United States, and in the Western District of the United States, and approaching the moored vessel, M/V Alex D. While in such navigation, upon information and belief, the Seth D Settoon vessel suffered steering failure which caused it to collide into the M/V Alex D.

5.

Complainant, at the moment of impact between the two vessels described above, was asleep in his cot upon the M/V Alex D.

6.

At the moment of impact between the two vessels as described in paragraph 4, complainant's body was first thrown back against the wall in his bunk where his

shoulder struck the wall, and then was immediately thereafter thrown to the floor next to his cot.

7.

Complainant, who for several months thereafter believed he had a bruised left shoulder which was not healing properly, realized and learned the extent of his injuries from the September 10, 2019 collision when his shoulder subsequently gave-out on him on December 2, 2019 as he attempted to pass a rope to the pilot, said maneuver being an ordinary and customary act on the tug vessel.

8.

The injuries sustained by complainant to his left shoulder were caused by the sole negligence of the defendant in the following non-exclusive particulars,

- a. Operating a vessel in navigable waterways which was unseaworthy;
- b. Not seeing what it should have seen to avoid impact, and not taking appropriate preventative measure to avoid impact with the M/V Alex D;
- c. Failing to warn complainant of the dangerous condition which existed and which was going to happen by failing to sound its alarm warning of the impending collision; and
- c. By negligently colliding into the moored vessel, the M/V Alex D upon which complainant was present at the time of the collision.

9.

At all relevant times, defendant, Settoon Towing, LLC, had custody and control over its vessel, the Seth D Settoon, and that vessel was defective and

unseaworthy in its ability to steer, and, as a result of such unseaworthy condition, *i.e.*, a defective steering mechanism, it caused complainant's injuries in the collision complainant of, and complainant asserts general maritime negligence claims as well as maritime claims of unseaworthiness of the vessel.

10.

As a result of the negligence of defendant or the unseaworthiness of its vessel, complainant sustained two rotator cuff tears in his left shoulder which necessitated surgical repair and subsequent rehabilitation. Complainant has suffered great mental pain and anguish, physical pain and suffering, and loss of enjoyment of life as a result of his injury. Complainant was compensated through his employer with maintenance and cure and medical benefits, since his shoulder gave-out on him during his services to the vessel, M/V Alex D.

11.

Complainant also suffered a broken fibula in his ankle on May 18, 2020 after his shoulder collapsed on him yet again as he grabbed a bag of groceries during his period of rehabilitation, with such injury necessitated surgical repair and rehabilitation. Complainant alleges that if the Settoon vessel, Seth D. Settoon, had not run into the M/V Alex D causing complainant to injure his shoulder, he would have had no need for surgical repair or rehabilitation to his shoulder, nor would his shoulder have given out on him on May 18, 2020 when he grabbed a light bag of

groceries which resulted in the shoulder giving out on him again, causing him to fall and break his ankle.

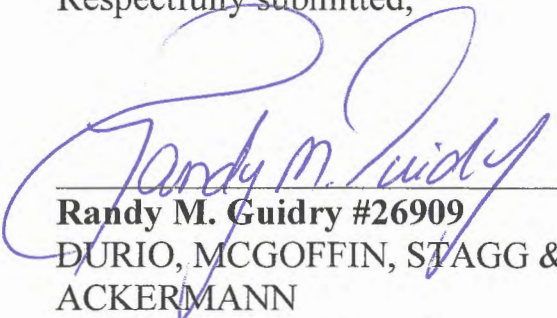
12.

Complainant is suffering lost wages, and will suffer future, and a loss of future earning capacity, and it is further alleged that he is incurring and continuing to incur future medical expenses he will be subjected to future medical expenses.

WHEREFORE, complainant, Chet Robichaux, prays that after all due proceedings had, there be judgment rendered herein in his favor and against defendant, Settoon Towing, LLC, for all damages as may be appropriate under the laws of the United States of America and Louisiana Law, together with all cost and legal interest herein from date of judicial demand until paid.

Complainant further prays for all general and equitable relief.

Respectfully submitted,



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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE-OPELOUSAS DIVISION

WARD DAVID GRAY

CIVIL ACTION NO. _____

VERSUS

JUDGE _____

OCEANEERING INTERNATIONAL,
INC. AND DIAMOND OFFSHORE
DRILLING COMPANY, INC.

MAGISTRATE _____

VERIFICATION

STATE OF LOUISIANA

PARISH OF LAFAYETTE

BEFORE ME, the undersigned authority, personally came and appeared:

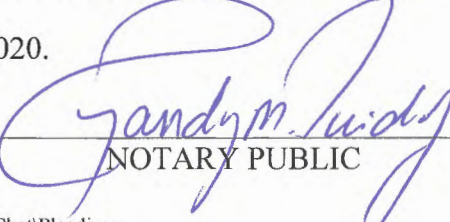
CHET ROBICHAUX

who upon being duly sworn, did depose and say that he is the petitioner in the above-entitled Complaint for Damages and that all of the allegations contained therein are true and correct to the best of his knowledge.


CHET ROBICHAUX

SWORN TO AND SUBSCRIBED before me this 4th day of

September, 2020.


NOTARY PUBLIC

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